



InsideNet
online resources for tva employees

[Home](#)
[Contents](#)
[Organizations](#)
[News](#)
[Self Service Solutions](#)
[Search &](#)

Categorical Exclusion Checklist

Information about CEC 10341

NEPA User:
Kenneth P Parr

Select Option

- CEC
Main Menu
- Help
- Contacts
- CEC
Commitments
Main Menu
- EA/EIS
Commitments
Main Menu
- Environmental
Information
Center

Checklist Preparer	Daniel C. Fisher	
Date Started	07/13/2005	
Initiating Organization	RSOE - Resource Stewardship	
Initiating Org Tracking ID	168025	
ALIS ID(s)	168025	
Project Initiator/Manager	Daniel C. Fisher	
Project Title	26a 168025 - Fill for River Street Luxury Condos - Defoor Brothers - Chattanooga, TN - no TVA Lnad or Landrights	
Description of Proposed Action	Land Activity Type: 26a Applicant(s): Mr. Ken Defoor Defoor Brothers Development 6074 Shallowford Road Chattanooga TN 37421	
TVA Facility	Chickamauga-Hiwassee Watershed Team	
Location Description	Reservoir Name: Chickamauga Stream(s): Tennessee R RM 464.5R Map Sheet(s): 105 SE Quad Sheet 26 C/D Stage Facility(s): Fill - Other	
Primary Media Expert Reviewer(s)	Daniel C. Fisher Ella C. Guinn (Tina) * Kelie H Hammond Martin B High II Roger A. Milstead	ongoing complete 01/19/2007 complete 07/29/2005 complete 07/14/2005 complete 09/27/2005
Secondary Media Expert Reviewer(s)	Thomas O Maher	ongoing
Review/Concurrence	T. Margueritte Wilson Daniel C. Fisher	not signed not signed
Additional Closer	Preparer Only	
Due Date	08/01/2005	
Business Sensitive	No	
CEC Status	Open	

* Denotes reviewer who coordinates secondary media reviewers

Categorical Exclusion Checklist for Proposed TVA Actions

Categorical Exclusion Number Claimed	Organization ID Number 168025	Tracking Number (NEPA Administration Use Only) 10341
Form Preparer Daniel C. Fisher	Project Initiator/Manager Daniel C. Fisher	Business Unit RSOE - Resource Stewardship
Project Title 26a 168025 - Fill for River Street Luxury Condos - Defoor Brothers - Chattanooga, TN - no TVA Lnad o		Hydrologic Unit Code
Description of Proposed Action (Include Anticipated Dates of Implementation) <input type="checkbox"/> Continued on Page 3 (if more than one line) Land Activity Type: 26a Applicant(s): Mr. Ken Defoor Defoor Brothers Development 6074 Shallowford Road Chattanooga TN 37421		
Initiating TVA Facility or Office Chickamauga-Hiwassee Watershed Team	TVA Business Units Involved in Project RSOE - Resource Stewardship	
Location (City, County, State) For Project Location see Attachments and References		

Parts 1 through 4 verify that there are no extraordinary circumstances associated with this action:

Part 1. Project Characteristics

Is there evidence that the proposed action---	No	Yes	Information Source
1. Is major in scope?	X		Fisher D. C. 08/13/2008
2. Is part of a larger project proposal involving other TVA actions or other federal agencies?	X		Fisher D. C. 08/13/2008
*3. Involves non-routine mitigation to avoid adverse impacts?		X	For comments see attachments
4. Is opposed by another federal, state, or local government agency?	X		Fisher D. C. 08/13/2008
*5. Has environmental effects which are controversial?	X		For comments see attachments
*6. Is one of many actions that will affect the same resources?	X		Fisher D. C. 08/13/2008
7. Involves more than minor amount of land?	X		Fisher D. C. 08/13/2008

* If "yes" is marked for any of the above boxes, consult with NEPA Administration on the suitability of this project for a categorical exclusion.

Part 2. Natural and Cultural Features Affected

Would the proposed action---	No	Yes	Permit	Commitment	Information Source for Insignificance
1. Potentially affect endangered, threatened, or special status species?	X		No	No	For comments see attachments
2. Potentially affect historic structures, historic sites, Native American religious or cultural properties, or archaeological sites?		X	No	No	For comments see attachments
3. Potentially take prime or unique farmland out of production?	X		No	No	Fisher D. C. 08/13/2008
4. Potentially affect Wild and Scenic Rivers or their tributaries?	X		No	No	Fisher D. C. 08/13/2008
5. Potentially affect a stream on the Nationwide Rivers Inventory?	X		No	No	Fisher D. C. 08/13/2008
6. Potentially affect wetlands, water flow, or stream channels?	X		No	No	High II M. B. 07/14/2005
7. Potentially affect the 100-year floodplain?		X	No	No	For comments see attachments
8. Potentially affect ecologically critical areas, federal, state, or local park lands, national or state forests, wilderness areas, scenic areas, wildlife management areas, recreational areas, greenways, or trails?	X		No	No	For comments see attachments
9. Contribute to the spread of exotic or invasive species?	X		No	No	High II M. B. 07/14/2005
10. Potentially affect migratory bird populations?	X		No	No	High II M. B. 07/14/2005
11. Involve water withdrawal of a magnitude that may affect aquatic life or involve interbasin transfer of water?	X		No	No	Fisher D. C. 08/13/2008
12. Potentially affect surface water?	X		No	No	Fisher D. C. 08/13/2008
13. Potentially affect drinking water supply?	X		No	No	Fisher D. C. 08/13/2008
14. Potentially affect groundwater?	X		No	No	Fisher D. C. 08/13/2008
15. Potentially affect unique or important terrestrial habitat?	X		No	No	High II M. B. 07/14/2005
16. Potentially affect unique or important aquatic habitat?	X		No	No	Fisher D. C. 08/13/2008

Part 3. Potential Pollutant Generation

Would the proposed action potentially (including accidental or unplanned)---	No	Yes	Per- mit	Commit- ment	Information Source for Insignificance
1. Release air pollutants?	X		No	No	For comments see attachments
2. Generate water pollutants?	X		No	No	Fisher D. C. 08/13/2008
3. Generate wastewater streams?	X		Yes	No	Fisher D. C. 08/13/2008
4. Cause soil erosion?		X	Yes	No	For comments see attachments
5. Discharge dredged or fill materials?	X		No	No	Fisher D. C. 08/13/2008
6. Generate large amounts of solid waste or waste not ordinarily generated?	X		No	No	Fisher D. C. 08/13/2008
7. Generate or release hazardous waste (RCRA)?	X		No	No	Fisher D. C. 08/13/2008
8. Generate or release universal or special waste, or used oil?	X		No	No	Fisher D. C. 08/13/2008
9. Generate or release toxic substances (CERCLA, TSCA)?	X		No	No	Fisher D. C. 08/13/2008
10. Involve materials such as PCBs, solvents, asbestos, sandblasting material, mercury, lead, or paints?	X		No	No	Fisher D. C. 08/13/2008
11. Involve disturbance of pre-existing contamination?	X		No	No	Fisher D. C. 08/13/2008
12. Generate noise levels with off-site impacts?	X		No	No	For comments see attachments
13. Generate odor with off-site impacts?	X		No	No	Fisher D. C. 08/13/2008
14. Produce light which causes disturbance?	X		No	No	Fisher D. C. 08/13/2008
15. Release of radioactive materials?	X		No	No	Fisher D. C. 08/13/2008
16. Involve underground or above-ground storage tanks or bulk storage?	X		No	No	Fisher D. C. 08/13/2008
17. Involve materials that require special handling?	X		No	No	Fisher D. C. 08/13/2008

Part 4. Social and Economic Effects

Would the proposed action---	No	Yes	Commit- ment	Information Source for Insignificance
1. Potentially cause public health effects?	X		No	Fisher D. C. 08/13/2008
2. Increase the potential for accidents affecting the public?	X		No	Fisher D. C. 08/13/2008
3. Cause the displacement or relocation of businesses, residences, cemeteries, or farms?	X		No	Fisher D. C. 08/13/2008
4. Contrast with existing land use, or potentially affect resources described as unique or significant in a federal, state, or local plan?	X		No	Fisher D. C. 08/13/2008
5. Disproportionately affect minority or low-income populations?	X		No	Fisher D. C. 08/13/2008
6. Involve genetically engineered organisms or materials?	X		No	Fisher D. C. 08/13/2008
7. Produce visual contrast or visual discord?	X		No	For comments see attachments
8. Potentially interfere with recreational or educational uses?	X		No	Fisher D. C. 08/13/2008
9. Potentially interfere with river or other navigation?	X		No	For comments see attachments
10. Potentially generate highway or railroad traffic problems?	X		No	For comments see attachments

Part 5. Other Environmental Compliance/Reporting Issues

Would the proposed action---	No	Yes	Commit- ment	Information Source for Insignificance
1. Release or otherwise use substances on the Toxic Release Inventory list?	X		No	Fisher D. C. 08/13/2008
2. Involve a structure taller than 200 feet above ground level?	X		No	Fisher D. C. 08/13/2008
3. Involve site-specific chemical traffic control?	X		No	Fisher D. C. 08/13/2008
4. Require a site-specific emergency notification process?	X		No	Fisher D. C. 08/13/2008
5. Cause a modification to equipment with an environmental permit?	X		No	Fisher D. C. 08/13/2008
6. Potentially impact operation of the river system or require special water elevations or flow conditions??	X		No	Fisher D. C. 08/13/2008

Parts 1 through 4: If "yes" is checked, describe in the discussion section following this form why the effect is insignificant. Attach any conditions or commitments which will ensure insignificant impacts. Use of non-routine commitments to avoid significance is an indication that consultation with NEPA Administration is needed.

An ☐ EA or ☐ EIS will be prepared.

Based upon my review of environmental impacts, the discussions attached, and/or consultations with NEPA Administration, I have determined that the above action does not have a significant impact on the quality of the human environment and that no extraordinary circumstances exist. Therefore, this proposal qualifies for a categorical exclusion under Section 5.2. _____ of TVA NEPA Procedures.

Project Initiator/Manager Daniel C. Fisher		Date
TVA Organization RSO&E	E-mail dcfisher@tva.gov	Telephone

Site Environmental Compliance Reviewer**Final Review/Closure**

Signature

Signature

Other Review Signatures (as required by your organization)

T. Margueritte Wilson

Signature

Signature

Signature

Signature

Signature

Signature

Attachments/References

Project Title

26a 168025 - Fill for River Street Luxury Condos - Defoor Brothers - Chattanooga, TN - no TVA Lnad or Landrights

Project Location

Reservoir Name: Chickamauga Stream(s): Tennessee R RM 464.5R Map Sheet(s): 105 SE Quad Sheet 26 C/D Stage Facility(s): Fill - Other

CEC General Comment Listing

CEC General Comment Listing

1. Unless otherwise noted, information source for responses to affected resources is based on the nature of the action and / or information obtained from TVA's Environmental Stewardship and Policy's Prescreening Criteria Checklist, revision date 7-25-2008.
By: Daniel C. Fisher 08/13/2008
2. Due to potential for significant impacts to cultural and / or archeological resources discovered during the course of this review, an Environmental Assessment (EA) is being prepared by TVA. Please see the EA for further discussion.
By: Daniel C. Fisher 08/13/2008
3. Application, Plans & Maps
By: ALIS Added Comment
Files: Application_Plans_LocationMaps.pdf 07/13/2005 1,316,657 Bytes
4. Pictures Taken 7-13-2005
By: ALIS Added Comment
Files: RiverStreetCondoFill.pdf 07/13/2005 696,642 Bytes
5. Floodplain Questions To Applicant
By: ALIS Added Comment
Files: FloodplainQuestionsToApplicant.pdf 07/14/2005 102,999 Bytes
6. Email Answer to questions on Docks and Floodplain
By: ALIS Added Comment
Files: EmailNoteOnDocks.pdf 07/14/2005 48,571 Bytes
7. Emails
By: ALIS Added Comment
Files: Emails5-11-2007.pdf 05/11/2007 104,126 Bytes
8. 5-25-2007 Email to Defoor's archeologist
By: ALIS Added Comment
Files: 5-25-2007_EmailToApplicant'sArcheologist_Phase_3_Negotiations.pdf 05/25/2007 516,445 Bytes

CEC Comment Listing

Part 1 Comments

3. Identification and evaluation of archaeological resources and historic structures have been conducted within the development, and TVA and the Tennessee State Historic Preservation Officer (TNSHPO) agree that archaeological site 40HA524 is eligible for listing in the National Register of Historic Places (NRHP). TVA, in consultation with the TNSHPO, has determined that the undertaking will adversely affect archaeological site 40HA524 and will require Phase 3 data recovery in order for the project to proceed.
By: Daniel C. Fisher 08/13/2008
5. Federally recognized Indian tribes have been consulted, but no comments were obtained.
By: Daniel C. Fisher 08/13/2008

Part 2 Comments

1. '93 record of Heronry on Island. If colony is still active, there still would be no expected impacts. Planned erosion control to minimize abnormal siltation into the river results in no expected impacts to 'potential' aquatic species. No aquatic listed species currently known in that vicinity.
By: Martin B High II 07/14/2005
2. See Environmental Assessment prepared for this action
By: Daniel C. Fisher 08/13/2008
7. The proposed project involves the placement of fill within the 100-year floodplain for the construction of a building.

There is no practicable alternative to the proposed fill because the site must be elevated so the first floor of the building would be at least 2 feet above the 100-year flood elevation and the parking area below the building would not be flooded during the 100-year flood. Based on the August 16 e-mail from Richard Hutsell, Chattanooga Zoning official to Mike Price, MAP Engineers, the project would comply with Chattanooga's local floodplain regulations. Therefore, the proposed project would comply with Executive Order 11988. From the standpoint of Flood Control, we have no objection to the proposed project.

By: Roger A. Milstead 09/27/2005

8. Audubon Society is in charge of the nearby Island, but area on both sides of river is heavily urbanized with business operations and building, no impacts expected.

By: Martin B High II 07/14/2005

Part 3 Comments

1. Minor dust from construction operations will not be significant

By: Daniel C. Fisher 08/13/2008

4. NPDES Stormwater permit will be required for fill in floodplain

By: Daniel C. Fisher 08/13/2008

12. Temporary construction noise will not be significant in this downtown urban environment

By: Daniel C. Fisher 08/13/2008

Part 4 Comments

7. Type of proposed building will match surrounding area

By: Daniel C. Fisher 08/13/2008

9. Ken Defoor has submitted plans to place fill in the 100-year flood plain for construction of luxury condos at Tennessee River Mile 464.5R. There are existing docks fronting this site that were installed by Southern Bell for Riverbend loading and unloading. These docks are to be removed. There are no water-use facilities proposed for these condos. From a navigation standpoint, we have no problem with the proposed fill. We, therefore, recommend issuance of the requested permit.

By: Kelie H Hammond 07/29/2005

10. Temporary construction impacts will not be significant

By: Daniel C. Fisher 08/13/2008

CEC Permit Listing

Part 3 Permits

3. National Pollutant Discharge Elimination System Permit (402 Clean Water Act)

By: Daniel C. Fisher 08/13/2008

4. National Pollutant Discharge Elimination System Permit (402 Clean Water Act)

By: Daniel C. Fisher 08/13/2008